

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AIR TRANSPORT ASSOCIATION
OF AMERICA, INC.,

Plaintiff,

-v.-

1:07-CV-1103
(LEK/DRH)

ANDREW CUOMO, in his official capacity
as Attorney General of the State of New York,
and MINDY A. BOCKSTEIN, in her official
capacity as Chairperson and Executive Director
of the New York State Consumer Protection
Board,

Defendants.

MEMORANDUM-DECISION AND ORDER¹

The instant case is before the Court pursuant to a Mandate of the United States Court of Appeals for the Second Circuit issued on April 15, 2008. See Mandate (Dkt. No. 34). The Second Circuit reversed the Memorandum-Decision and Order of this Court dated December 20, 2007, in which this Court granted summary judgment to the State of New York and denied Plaintiff Air Transport Association's Motion for summary judgment. See Mar. 25, 2008 slip opinion (Dkt. No. 34, Attach. 1); Dec. 20, 2007 Mem.-Order (Dkt. No. 25). The Second Circuit remanded the case to this Court to enter summary judgment in favor of Air Transport Association.

Accordingly, it is hereby

ORDERED, that summary judgment is **GRANTED** to Plaintiff Air Transport Association

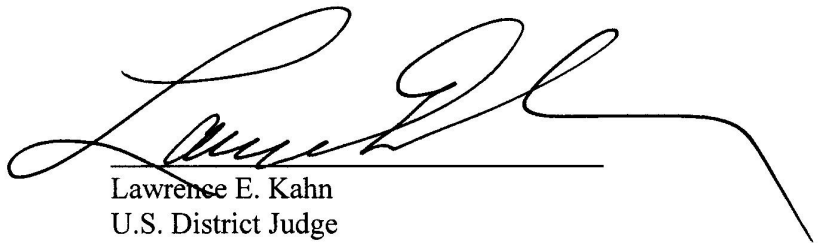
¹ For printed publication by the Federal Reporters.

of America, Inc., in accordance with the April 15, 2008 Mandate of the United States Court of Appeals for the Second Circuit (Dkt. No. 34); and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

DATED: April 23, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge